

**SENGKETA TATA USAHA NEGARA  
DALAM KEGIATAN PENGADAAN BARANG / JASA PEMERINTAH  
(Studi Putusan Nomor: 12/G/2017/PTUN.PDG)**

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**ABSTRAK**

Penelitian ini bersumber pada putusan PTUN Padang Nomor **12/G/2017/PTUN.PDG** yang akan mengkonstruksi tentang upaya hukum yang dapat ditempuh apabila terdapat sengketa pengadaan barang dan jasa. Upaya hukum yang dimaksud adalah sanggahan dan sanggah banding. Sanggahan dan Sanggah banding ini sesuai dengan konsep dalam hukum yaitu dalam rangkaian upaya administrasi guna menyelesaikan sengketa administrasi.

Metode pendekatan yang digunakan dalam penelitian ini adalah metode pendekatan yuridis normatif. Data yang digunakan adalah data sekunder yang terdiri dari bahan hukum primer dan bahan hukum sekunder berupa Peraturan Perundang-Undangan yang relevan dan buku-buku literatur.

Hasil dari penelitian ini **pertama** adalah terdapat perbedaan prosedur beracara antara sengketa TUN secara umum, sengketa Tata Usaha Negara mengenai pengadaan barang/ jasa pemerintah dan sengketa Tata Usaha Negara mengenai pengadaan barang/ jasa pemerintah dengan sistem *E- Tendering* khususnya jika melalui upaya administrasi karena dalam pengadaan barang / jasa pemerintah dengan sistem *E-Tendering* tidak ada sanggahan banding. **Kedua**, sengketa *a quo* KTUN yang menjadi objek sengketa ini telah bertentangan dengan peraturan perundang-undangan khususnya pada aspek substansial dan aspek prosedural serta AUPB yaitu asas keseimbangan. Sehingga KTUN yang mejadi objek sengketa batal.

**Kata Kunci: Sanggahan Banding, Sengketa Administrasi, Pengadaan Barang/Jasa, *E-Tendering***

**STATE ADMINISTRATION DISPUTES IN GOVERNMENT  
PROCUREMENT OF GOODS / SERVICES  
(Study of Decision Number: 12/G/2017/PTUN.PDG)**

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**ABSTACT**

*This research is based on the verdict of Padang State Administrative Court Number 12/ G/ 2017 / PTUN-PDG which will construct about the remedies after the failure of the refutation, we can see the effort that can be done next is the objection appeal. This appeal is in accordance with the concept in law, namely in a series of administrative efforts to resolve administrative disputes.*

*The approach method in this study is used a normative juridical approach. The data are used by secondary data consisting of primary legal materials and secondary legal material in the form of relevant legislation and literature books.*

*The results of this research are **first** there are the differences in procedural procedures that differ between state administration disputes in general, State Administration disputes regarding the procurement of government goods/ services and State Administration disputes regarding the procurement of government goods/ services with E- Tendering system, especially if through administrative efforts because in the procurement of government goods/ services using the E- Tendering system there is no objection to appeal. **Second**, the a quo KTUN dispute which is the object of this dispute has contravened the laws and regulations, especially on the substantial and procedural aspects as well as the principle of good governance, namely calles the principle of balance. So that the State Administrative Court which becomes the object of the dispute is canceled.*

**Keywords: Objection Appeal, Administrative Disputes, Procurement of Goods/ Services, E- Tendering.**